

pg.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,385	07/28/2000	Aviv Refuah	092/01664	2933

7590 07/30/2003

William H Dippert  
Cowan Liebowitz & Latman  
1133 Avenue of the Americas  
New York, NY 10036-6799

EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 07/30/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

PRE

# Office Action Summary

Applicati n No.

09/601,385

Applicant(s)

REFUAH ET AL.

Examiner

Khanh Dinh

Art Unit

2155

-- The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-111 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-111 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

1. Claims 1-111 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-111 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz US pat. No.6,029,195.

As to claim 1, Herz discloses a method of a user interacting with an Internet, comprising:

tracking interactions of the user (using user's target profile summary) with an Internet and analyzing said tracked interactions to determine at least a part of a user profile (see abstract, fig.2, col.39 line 12 to col.40 line 60).

modifying a plurality of future interactions of said user with computers on said Internet (see col.40 line 61 to col.41 line 61).

responsive to said user profile, by modifying at least one of a presentation of information to said user or a functional response of a computer to input from user (see col.42 line 42 line 3 to col.43 line 9), wherein said plurality of modified interactions comprise interactions with the site of content of a plurality of unrelated sites (see col.7 lines 19-51 and col.45 line 13 to col.46 line 61).

As to claims 2-4, Herz discloses tracking at a computer at which said user accesses the Internet, tracking at a tracking computer which tracks a plurality of users and remote from said plurality of sites (see col.col.59 line 23 to col.60 line 58 and col.64 line 3 to col.65 line 48).

As to claims 5-8, Herz discloses analyzing previously acquired tracking data, analyzing of currently acquired tracking data, user profile is maintained as a virtual personality, which is a complex of characteristics that distinguishes an electronic person, for the purpose of interacting *with an* Internet and a persona which is a static aspect of a personality (see fig.14, col.27 line 17 to col.28 line 40 and col.37 line 33 to col.38 line 64).

As to claims 9-12, Herx discloses a mood, which is a dynamic aspect of a personality, a rush mood which favors fast responses and a meticulous persona which favors complete responses (see fig.14, col.27 line 17 to col.28 line 40 and col.37 line 33 to col.38 line 64).

As to claim 13-17, Herz discloses geographical information, demographic information, interests and preference information, marketing information, identification and contact information and relational information, which defines relations between various aspects of the personality (see col.37 line 32 to col.38 line 64 and col.59 line 21 to col.60 line 64).

As to claims 18-25, Herz discloses reflective Information which defines how a personality changes and/or interacts with other electronic entities, a plurality of personalities to which to attribute said tracked interactions, searching, viewing presented data, changing a layout of data, changing which data is displayed, downloading files and WWW navigation (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 26, Herz discloses a method of user virtual personality comprising: interacting with an Internet via a virtual personal which is a complex of characteristics that distinguishes an electronic person (see abstract, fig.2, col.39 line 12 to col.40 line 60), for the purpose of interacting with an intact, tracking at least one user activity of interaction with an Internet (see col.42 line 42 line 3 to col.43 line 9), modifying said virtual personality responsive to said user activity, wherein said virtual personality is user-selected for interaction with a plurality of different sites (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 27 and 28, Herz discloses modifying a mood of said virtual personality, wherein a mood is a dynamic aspect of a personality and a user selecting said -virtual personality to be modified (see col.37 line 32 to col.38 line 64 and col.59 line 21 to col.60 line 64).

As to claim 29, Herz discloses a method of user virtual personality maintenance, comprising: providing first virtual personality, which is a complex of characteristics that distinguished an electronic person (see abstract, fig.2, col.39 line 12 to col.40 line 60), for the purpose of interacting with an Internet; copying at least a part of said first virtual personality into a second virtual personality and selecting said second virtual personality, by a user, to interact with an internet sites (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 30 and 31, Herz discloses modifying said second virtual personality, providing a Library of virtual personalities and selecting said first -virtual personality from said library (see fig.14, col.27 line 17 to col.28 line 40 and col.37 line 33 to col.38 line 64).

As to claim 32m Herx discloses a method of virtual personality interaction with an Internet comprising: providing a virtual personality, which is a complex of characteristics that distinguishes an electronic person (see abstract, fig.2, col.39 line 12 to col.40 line 60), for the purpose of interacting with an Internet, through which virtual personality an interaction with an Internet is meditated and requesting an interaction, with said Internet, by a user with whom said virtual personality is associated Internet (see col.40 line 61 to col.41 line 61).

identifying at least one prospective site for the interaction, from a plurality of unrelated sites, automatically analyzing a content of said site, by a computer to determine a match to said virtual personality and selecting to perform said interaction or modifying a performance of said interaction responsive to said analysis (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 33-36, Herz discloses determining at least one trait of said site, determining an ambiance of

As to claims 37-42, Herz discloses identifying a plurality of sites, using an Internet search engine, a mood which is a dynamic aspect of a personality, a static aspect of a personality and complement to match said virtual personality (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 43, Herz discloses a method of internet interaction by a single user, comprising: selecting, from a remote location, by the user, one of a plurality of virtual personalities available for interaction with a particular site (see abstract, fig.2, col.39 line 12 to col.40 line 60), wherein a virtual personality comprises a complex of characteristics that distinguishes an electronic person, for the purpose of interacting with an internet; and interacting with the particular site using the selected virtual personality analysis (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

Art Unit: 2155

As to claim 44, Hers discloses a method of site ambiance provision, comprising: requesting an ambiance of a site (see abstract, fig.2, col.39 line 12 to col.40 line 60), said request including an identification of the site, determining an ambiance of said site, responsive to said identification and responding to said request with at least an indication of said ambiance (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 45-48, Herz discloses an ambiance retrieving said indication of an ambiance from a memory.

, analyzing said site, requesting an indication of said ambiance from said site and requesting an indication of said ambiance from an ambiance server (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 49, Herz discloses a virtual personality server, comprising:

a connection to a user, through which said user indicates a desired Internet interaction and a connection to a WWW site, with which the user interacts, said connection adapted to connect to a plurality of unrelated WWW sites for interaction with by said user (see abstract) a virtual personality adapter, which adapts said interaction by modifying at least one of a presentation of information from said site to said user or a functional response of said site to input from user (user's profile), utilizing a virtual personality for the user, wherein a virtual personality comprises a complex of characteristics that distinguishes an electronic person, for



the purpose of interacting with an Internet ambiance (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 50-53, Herz discloses that the connection to a user is operable to receive a selection of a particular virtual personality by said user, modifying said virtual personality responsive to said modified interaction, a persona which is a static aspect of a personality a mood which is a dynamic aspect of a personality (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 54, Herz discloses a method of virtual personality serving, comprises: connecting to a WWW site, to request an interaction and determining, at said WWW site, a desired virtual personality adaptation of said interaction (see abstract, fig.2, col.39 line 12 to col.40 line 60 and col.80 lines 1-65), wherein a virtual personality comprises a complex of characteristics that distinguishes an electronic person, for the purpose of interacting with an Internet (see col.41 line 23 to col.43 line 27).

completing said interaction, by said WWW site, responsive try said determined virtual personality adaptation, wherein said desired adaptation comprises modifying at least one of a presentation of information from said site or a functional response of said site to input (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 55-61, Herz discloses receiving an indication of a desired virtual personality from a virtual personality server, the server is located at a location, remote from said WW site and from a location at which said connection is initiated, reading virtual personality information from a computer at a location from which said connection is initiated, generating a one-time personality for said interaction and a mood responsive adaptation, wherein a mood is a dynamic aspect of a personality and a persona is a static aspect of a personality (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 62, Herz discloses a method of site matching to a virtual personality, comprising: providing a list of relevant sites and analyzing each of said sites to determine a match with said virtual personality (see abstract, fig.2, col.39 line 12 to col.40 line 60 and col.80 lines 1-65), which is a complex of characteristics that distinguishes an electronic person, for the purpose of interacting with an Internet and grading said sites responsive to said analysis (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 63-69, Herz discloses providing a list comprises executing a search 10 on an Internet search engine to provide said list, retrieving a plurality of matches from a name server, analyzing at least one of said sites responsive to a presented ambiance, analyzing at least one of said sites responsive to a presented trait, analyzing a content of at least one of said sites, displaying said graded list and only a highest graded site of said list (see col.37

line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 70, Herz discloses a method of advertisement personalization, comprising: determining an instantaneous virtual personality of a human interact or, wherein a virtual personality comprises a complex of characteristics that distinguishes an electronic person (see abstract, fig.2, col.39 line 12 to col.40 line 60 and col.80 lines 1-65), for the purpose of interacting with an internet, said virtual personality including a mood, which is a dynamic aspect of said personality and selecting at least one advertisement to match said virtual personality and presenting said advertisement to said interactor (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 71-74, Herz discloses advertisement is presented through an Internet, a persona, which is a static aspect of a personality, selecting said virtual personality from a plurality of available virtual personalities and is provided by said interactor (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 75, Herz discloses a method of WWW site modification, comprising: detecting at the WWW site a desired interaction from a particular virtual personality, which personality co determining a suitable modification of at least one characteristic of said site to match said visual personality, responding to said desired interaction with a response indicating a match of said modified characteristic to said virtual personality; and modifying said site in association

Art Unit: 2155

with providing said site during said desired interaction to a user associated with said virtual personality (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 76-78, Herz discloses modifying a display layout, modifying a level of detail shown and selecting data to be displayed (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 79, Herz discloses a method of data directory display, comprising:

requesting a display of data from a data directory and providing, in association with said request, a virtual personality for said request (see abstract, fig.2, col.39 line 12 to col.40 line 60 and col.80 lines 1-65), which personality comprises a complex of characteristics that distinguishes an electronic person, for the purpose of interacting with an Internet; and displaying said data, responsive to said virtual personality (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 80-84, Herz discloses a virtual personality is provided as part of said request, displaying filtering, sorting, controlling a level of detail and controlling a spatial layout of said data (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 85, Herz discloses a method of data directory display, comprising:

requesting a search from a search engine, using at least one keyword, which request includes a virtual personality for said -request, which personality comprises a complex of characteristics that distinguishes an electronic person, for the purpose of interacting with an Internet (see abstract, fig.2, col.39 line 12 to col.40 line 60 and col.80 lines 1-65).

interpreting said key-word at said search engine, utilizing said virtual personality and performing said search request by said search engine, utilizing said interpreted key word (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 86, Herz discloses an Internet search engine (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claim 87, Herz discloses a method of Internet search, comprising:

a user connecting to an Internet search engine and providing the search engine with search criteria, by said user (see abstract, fig.2, col.39 line 12 to col.40 line 60 and col.80 lines 1-65). performing a search for WWW sites by the search engine, utilizing *said search criteria* to obtain search results, filtering said search results utilizing personal information associated with said user and presenting said filtered search results to *said user* (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 88-90, Herz discloses filtering is performed at a different computer from said searching, said personal information is provided using a virtual personality, which comprises a

Art Unit: 2155

complex of characteristics that distinguishes an electronic person, for the purpose of interacting with an Internet and a non-keyword input to said search engine (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48 and col.87 line 7 to col.88 line 67).

As to claim 91, Herz discloses a method of interacting with a computer:

providing a software application having a user interface on said computer and providing an electronic said software modifying its inter-action with said user, responsive to said representation of said personality (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48).

As to claims 92-100, Herz discloses an Internet Browser, a visual display of said interface, behavior of said interface, modifies a menu length of said interface, modifies a help level of said software, modifies a level of detail presented by said software, modifies a display format of said software, modifies an image quality of said software and modifies a response time of said software (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48 and col.87 line 7 to col.88 line 67).

As to claim 101, Herz discloses a method of utilizing an electronic representation of a user's desired personality, comprising:

storing said representation on a computer-readable storage media and interacting with a computer using said representation, wherein said representation mediates the interaction (see col.37 line 32

Art Unit: 2155

to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48 and col.87 line 7 to col.88 line 67).

As to claims 101-105, Herz discloses a remote computer connected to an Internet, a controller of an automated store, varying a range of offered selection of products, a diskette (see col.37 line 32 to col.38 line 64 and col.63 line 8 to col.64 line 31 and col.80 line 1 to col.81 line 48 and col.87 line 7 to col.88 line 67).

As to claims 106-111, Herz discloses a smart card, printed optically readable codes, tracking a plurality of interactions of said user with an internet, a representation of a persona which is a static aspect of a personality, a representation of a mood, which is a dynamic aspect of a personality and a true personality of said user (see col.37 line 32 to col.38 line 64, col.59 line 21 to col.60 line 64 and col.87 line 6 to col.88 line 67).

***Other prior art cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Donoho et al, US pat. No.6,356,936.
- b. Kim, US pat. No.6,546,002.
- c. Rosser, US pat. No.6,446,261.
- d. Herz, US pat. No.6,571,279.

***Conclusion***

5. Claims 1-111 are rejected.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone numbers for this group are:

After Final: (703) 746-7238

Official: (703) 746-7239

Non-Official/ Draft: (703) 746-7240

*A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh  
Patent Examiner  
Art Unit 215 5  
7/25/2003

  
HOSAIN T. ALAM  
PRIMARY EXAMINER